

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Jesse Sahagun

**CIVIL CASE DISCOVERY PLA
AND SCHEDULING ORDER**

Plaintiff(s),

- against -

08 Civ. 5052 (SCR)

Invacare Corporation, et al.

Defendant(s).
-----X

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure. (Note: all proposed dates should be for weekdays only)

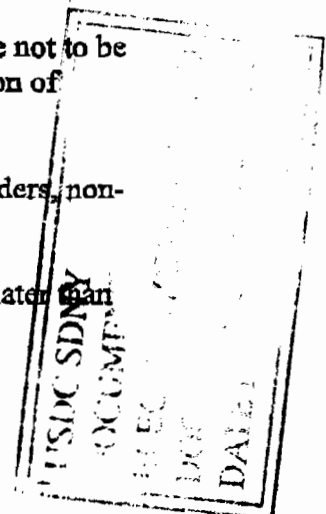
The case (is) ~~(is not)~~ to be tried to a jury.

Joinder of additional parties must be accomplished by 10/1/08

Amended pleadings may be filed until 11/1/08

Discovery:

1. Interrogatories are to be served by all counsel no later than 9/1/08, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than 9/1/08.
3. Depositions to be completed by 3/2/09-(non-experts)
 - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
4. Any further interrogatories, including expert interrogatories, to be served no later than 3/30/09.



5. Requests to Admit, if any to be served no later than 4/1/09.
6. Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.
7. All discovery is to be complete by 7/10/09 (including expert reports and expert depositions).

September 12, 2008 @ 10:00am

Initial Case Management Conference
To Be Complete By Court) (Counsel in receipt of this scheduling order is to notify
their adversary of the date and time of this Initial Case Management Conference)

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. _____, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

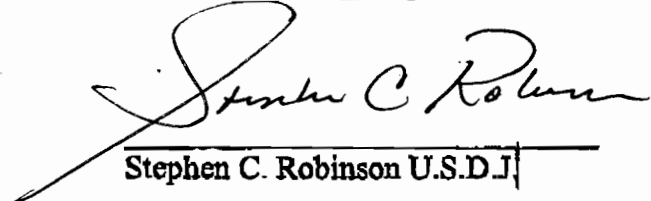
Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

White Plains, New York

Dated: July 11, 2008

SO ORDERED


Stephen C. Robinson U.S.D.J.